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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/059,421	01/31/2002	Tetsuo Shibuya	YOR920010126US2

CONFIRMATION NO. 6845

 21254
 MGINN & GIBB, PLLC
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 VIENNA, VA 22182-3817

FORMALITIES LETTER



OC00000007678738

Date Mailed: 03/20/2002

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES


Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

T.D
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YOR920010126US2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

On re patent application of

SHIBUYA et al.

Serial No.: 10/059,421

Group Art Unit: 2171

Filing Date: January 31, 2002

Examiner: Not Yet Assigned

For: SYSTEM AND METHOD FOR IDENTIFYING GENES

Commissioner of Patents
Washington, D.C. 20231

SUBMISSION OF FORMAL DRAWINGS

Sir:

Submitted herewith are 5 sheets of formal drawings comprising figures 1-6 for the above-identified patent application. Acknowledgment of receipt is respectfully requested. Please substitute these formal drawings for the drawings which were filed with the application.

Respectfully submitted,

Phillip E. Miller
Registration No. 46,060

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Shibuya, et al.

Serial No.: 10/059,421

Group Art Unit: 2171

Filed: January 31, 2002

Examiner: Not Yet Assigned

For: SYSTEM AND METHOD FOR IDENTIFYING GENES

Honorable Assistant Commissioner of Patents
Washington, D.C. 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**


Sir:

In response to the Office Action dated March 20, 2002 (copy enclosed), Applicants note that the present Application does not disclose a "Nucleotide and/or Amino Acid Sequence" as defined by 37 C.F.R. §1.821-1.825. Specifically, Applicant states that the Application is directed to a system and method for identifying genes, and does not disclose any actual sequences. In other words, the Application merely discloses "representations" of sequences that, for the purposes of the Application are completely arbitrary and meaningless and are not intended to recite any form of an actual, specific nucleotide and/or amino acid sequence.

Therefore, Applicant respectfully submits that this Notice to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Disclosures is in error and should be withdrawn.

Respectfully Submitted,

Date: 5/13/02



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#3 1/2